

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Case No. 05-42396
	)	
DANIEL J. NOLAN and	)	Chapter 7
DEBRA A. NOLAN,	)	
	)	Honorable Jack B. Schmetterer
Debtors.	)	

**COVER SHEET FOR FIRST AND FINAL APPLICATION OF  
FRANKGECKER LLP FOR ALLOWANCE OF COMPENSATION AND EXPENSES**

Name of Applicant:	<u>FrankGecker, LLP</u>
Authorized to Provide Professional Services to:	<u>Frances F. Gecker, Chapter 7 Trustee of the Estate of Daniel J. Nolan and Debra A. Nolan</u>
Period for Which Compensation is Sought:	<u>March 21, 2006 through August 31, 2012</u>
Amount of Fees Sought:	<u>\$ 6,012.00</u>
Amount of Expense Reimbursement Sought:	<u>\$ 29.71</u>
This is a:	<u>First and Final Application</u>

The aggregate amount of fees and expenses *paid* to the Applicant to date for services rendered and expenses incurred herein is: \$0.00.

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	)	Honorable Jack B. Schmetterer
Debtors.	)	

**FIRST AND FINAL FEE APPLICATION OF FRANKGECKER LLP  
AS COUNSEL TO FRANCES GECKER, CHAPTER 7 TRUSTEE OF  
THE BANKRUPTCY ESTATE OF DANIEL J. NOLAN AND DEBRA A. NOLAN  
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

FrankGecker LLP, counsel to Frances Gecker, the Chapter 7 Trustee (the "Trustee"), of the estate of Daniel J. Nolan and Debra A. Nolan, (the "Debtors"), hereby submits this first and final fee application (the "Application") pursuant to 11 U.S.C. §§330, 331 and 507(a)(1) seeking compensation totaling \$6,012.00 for legal services performed as counsel to the Trustee during the period of March 21, 2006 through and including August 31, 2012 (the "Application Period") and reimbursement of expenses totaling \$29.71 incurred in connection with those services. In support of the Application, FrankGecker LLP respectfully represents as follows:

**INTRODUCTION**

1. On September 30, 2005 (the "Petition Date") the Debtors filed a voluntary petition for relief under Chapter 7 of Title 11 of the U.S. Code ("Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division (the "Case").
2. Frances Gecker ("Trustee") is the duly appointed and qualified Chapter 7 Trustee.
3. The Section 341 meeting of creditors was held on November 15, 2005 (the "341 Meeting").

4. The Trustee chose FrankGecker LLP ("FG") as her counsel in the Case. On April 6, 2006, this Court entered an order authorizing the Trustee to retain FG and Mr. Zielinski as her counsel retroactive to March 21, 2006.

5. Counsel has received \$0.00 in previously awarded compensation and reimbursement of expenses.

6. The assets of this case consisted of the turnover of proceeds from the sale of Debtors' restaurant business and Debtors' tax refunds.

7. This Application seeks allowance of all fees and expenses incurred by FG from March 21, 2006 through and including August 31, 2012. To aid the Court in its review of this Application, the Trustee's counsel has divided this Application into three parts. Part I describes the practical and legal issues encountered by the Trustee's counsel, and actions taken and results obtained by counsel. Part II describes the qualifications and areas of expertise of the Trustee's attorneys. Part III describes the manner in which fees and expenses were calculated by the Trustee's attorneys.

## **I. SERVICES PERFORMED**

### **A. Administration \$1,630.50**

FG spent 6.00 hours at a cost of \$1,630.50 on issues relating to the administration of the bankruptcy case, including correspondence with the Debtors' attorney requesting documentation and information on the Debtors' assets and finances and communications with the Trustee's accountant on issues regarding tax return requirements. FG also communicated with a real estate broker regarding the market value of Debtors' real estate including reviewing market analysis of Debtors' real estate.

**B. Claims \$532.50**

FG spent 1.80 hours at a cost of \$532.50 during the Application Period on issues relating to reviewing claims and determining the validity and extent of claims filed by creditors in this Case.

**C. Retention of Professionals/Fee Applications \$849.50**

FG spent 3.50 hours at a cost of \$849.50 on issues relating to drafting, filing and appearing in court to employ Trustee's counsel and preparing a fee application. Within this matter, FG spent 1.0 hour reviewing time and billing invoices and preparing this first interim fee application at a cost of \$325.00, which is approximately 4% of the fees sought in this final fee application.

**D. Turnover of Funds/Sale of Assets \$3,068.00**

FG spent 12.70 hours at a cost of \$3,068.00 on legal matters in connection with the collection of proceeds related to the sale of Debtors' restaurant business ("Proceed Funds"). This involved obtaining a turnover order for a deficiency in the Proceed Funds turned over by the Debtors' to the Estate. Further, FG drafted, filed and appeared in court on Trustee's motion to approve compromise.

**II. ATTORNEYS PROVIDING SERVICES FOR THIS ESTATE**

Zane L. Zielinski (ZLZ) is an associate at FrankGecker LLP. Mr. Zielinski is a 2002 graduate of Chicago-Kent College of Law, where he was a member of the Editorial Board of the Chicago-Kent Law Review and was elected to the Order of the Coif. Mr. Zielinski specializes in bankruptcy law and has represented trustees, debtors and creditors in bankruptcy cases.

William G. Cross (WC) is an associate at FrankGecker LLP. Mr. Cross is a 2009 graduate of Loyola University Chicago School of Law. Mr. Cross specializes in bankruptcy law and has represented trustees and creditors in bankruptcy cases.

Christina Smith (CS) is a bankruptcy paralegal at Frank/Gecker LLP. Ms. Smith has been a bankruptcy paralegal for nine years and assisted with case administration.

### **III. CALCULATION OF TIME AND FEES**

This is the Trustee's first and final application for compensation and reimbursement of fees and expenses of FG. This fee application applies to fees and expenses incurred by FG from March 21, 2006 through and including August 31, 2012. All professional services for which compensation is requested herein, and all reimbursement for expenses incurred, have been for services directly related to the case and were rendered for the benefit of the Trustee and the Debtors' estate. No agreement or understanding exists between FG and any other person for the sharing of compensation received or to be received in connection with this case, other than as disclosed or authorized pursuant to 11 U.S.C. §§ 327, 328, 330 and 331.

As set forth in the attached exhibit, FG's attorneys and paralegal have spent a total of 23.70 hours providing necessary legal services for the Trustee. As a result, they request compensation in the amount of \$6,012.00 for actual, necessary legal services performed (Exhibit A). The average hourly rate is \$253.67. In addition, FG has expended the sum of \$29.71 for actual necessary expenses incurred in representing the Trustee. FG has voluntarily written off all expenses related to fax and copying charges, only charging for off-site copying charges when incurred.

In preparing this fee application, FG has calculated the amount of time spent by each attorney and paralegal in performing actual, necessary legal services for the Trustee. The data

used came directly from computer printouts of data which is kept by FrankGecker LLP on each of its clients. The hourly rates charged are the regular hourly rates charged by the firm to its clients. FG worked to avoid any duplication of effort, and in instances where more than one attorney billed for a project, there was a need for multiple attorneys' involvement or the time of one of the attorneys was voluntarily written off.

To aid the Court in its review of this material, FG has prepared its time exhibits by topic as presented in the attached Exhibit A. For purposes of this Application, counsel has used four categories. Most of these categories are substantive. The time entries cover all work performed by FG regardless of whether it was office conferences, telephone conferences, research or some other type of work.

FG does not bill its clients or seek compensation in this fee application for its overhead expenses, including word processing, computer research charges, fax charges, phone charges or secretarial overtime, instead, such expenses are factored into FG's normal and customary rate.

No compensation has been promised to FG, other than as disclosed or approved by this Court. FG certifies that there is no agreement between the firm and any other party regarding the sharing of fees except with the firm's partners, nor has the firm discussed or negotiated the amount of its fees with any party except the Trustee. Finally, FG represents that it is and remains a disinterested party and does not hold any relationship adverse to the estate.

WHEREFORE, FrankGecker LLP respectfully requests that this Court enter an Order:

A. Allowing FrankGecker LLP compensation for actual, necessary legal services in the amount of \$6,012.00;

B. Allowing FrankGecker LLP reimbursement of actual, necessary expenses in the amount of \$29.71; and

C. Authorizing the Trustee to pay FrankGecker LLP compensation and expense reimbursement in the total amount of \$6,041.71.

Dated: August 31, 2012

Respectfully submitted,

FRANCES GECKER, not individually but as  
Chapter 7 Trustee of the bankruptcy estate of  
DANIEL J. NOLAN and DEBRA A. NOLAN

By: /s/ Zane L. Zielinski  
One of her attorneys

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